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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,091	09/05/2000	Johann Meseth	GR 98 P 3112	8366

7590 04/21/2003

Lerner And Greenberg PA
2445 Hollywood Boulevard
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EXAMINER

KEITH, JACK W

ART UNIT

PAPER NUMBER


3641

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No. 09/655,091	Applicant(s) Meseth	
Examiner Jack Keith	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 7, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Response to Appeal Brief

1. Applicant's appeal brief/arguments regarding the Final rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The rejections of the last Office action (Paper no. 14) are withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaouditz et al (4,002,655).

Gaouditz (figure 1) discloses applicant's inventive concept. Note that Gaouditz discloses a structure (33-36) that ties the first enclosure (7) and intermediate enclosure (10) together.

Applicant's claims are open-ended (i.e., comprising).

Gaouditz discloses a containment vessel for a nuclear reactor having an interior space (7, 10 and 33-36), a condensing chamber (11) containing a cooling liquid located within said interior

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space, a pressure chamber disposed in said interior space, a condenser (33) in flow communication with said pressure chamber through a flow path and a drain path (14) disposed in said upper portion of the interior space and in fluidic connection with the top region of the pressure chamber and defining a drain connection to the condensing chamber (11). Gaouditz further discloses a condensing pipe (29-31 and 35) leading into the condensing chamber, the condensing pipe terminating lower than the drain pipe (14).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterkamp et al (EP 0596703) in view of Fredell (5,008,069) and Bond et al (FR 1,359,961).

Oosterkamp (figure 1) discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space (14), a condensing chamber (16) containing a cooling

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liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (26) in flow communication (36) with said pressure chamber through a flow path and a drain path (48) disposed in said upper portion of the interior space and in fluidic connection with the top region of the pressure chamber. Oosterkamp further discloses a condensing pipe (22) leading into the condensing chamber. Additionally note that Oosterkamp discloses that the condenser can be located within the interior space (see column 7, lines 10+).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Oosterkamp does not disclose the a drain pipe not connected to the condenser.

Fredell teaches a drain pipe (19) associated with a condensing chamber (25)(see figure 1) in the same field of endeavor for the purpose of acting as a heat sink in association with condenser (14). Particularly Fredell teaches a condensing chamber having at least two piping connections (condensing pipe (29) and drain pipe (19)). See figure 1 (See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972)).

Bond teaches a drain pipe (46/48) located within the upper portion of the pressure chamber (62) associated with condensing chamber (32) in the same field of endeavor for the purpose of acting as a heat sink in association with chamber (62). See figure 1 (See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972)).

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The use of drain pipes connecting to the condensing chamber is not novel in reactor protection/damage prevention art. Such is evident by the teachings of Fredell and Bond. Clearly, modification of Oosterkamp to have incorporated the known drain pipe designs/techniques is not an inventive leap as one having ordinary skill in the art at the time the invention was made is well versed in such conventionally known heat exchange/condenser designs/techniques available within the nuclear reactor protection/damage prevention art.

Particularly note that a drain pipe located anywhere within the pressure chamber would function to remove non-condensable gases. That is non-condensable gases would be located throughout the pressure chamber.

Conclusion

6. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Particularly note figure 1 of US 2020⁰²0122526 reference (19).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Keith whose telephone number is (703) 306-5752. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a loop and a horizontal stroke.

Jack Keith
Examiner,
Art Unit 3641

jwk

April 17, 2003